

P O R T E R | S C O T T

A PROFESSIONAL CORPORATION

William E. Camy, SBN 291397

Alison J. Southard, SBN 335716

2180 Harvard Street, Suite 500

Sacramento, CA 95815

TEL: 916.929.1481

FAX: 916.927.3706

wcamy@porterscott.com

asouthard@porterscott.com

Attorneys for Defendant COUNTY OF FRESNO

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

AMALIA DEEL and MICHAEL DEEL,
individually and as successors-in-interest to
TYLER DEEL, deceased,

Plaintiffs,

vs.

COUNTY OF FRESNO; and DOES 1-10,
inclusive,

Defendants.

Case No.: 1:24-cv-00885-KES-EPG

**DEFENDANTS COUNTY OF FRESNO AND
JEROD NORTH'S NOTICE OF MOTION AND
MOTION TO DIMSISS PLAINTIFFS AMALIA
DEEL AND MICHAEL DEEL'S FIRST
AMENDED COMPLAINT**

Date: April 7, 2025

Time: 1:30

Location: Courtroom 6, 7th floor

/ Complaint filed 8/1/2024

PLEASE TAKE NOTICE that on the above date and time, or as soon thereafter as the matter may be heard, in Courtroom 10, 6th floor, of the United States District Court, Eastern District, located at 2500 Tulare Street, Fresno, CA 93721, Defendants COUNTY OF FRESNO ("the County") and JEROD NORTH ("Deputy North") (collectively, "County Defendants") will move this Court for an order dismissing Plaintiffs' Complaint against them with prejudice on the following grounds:

1. Plaintiffs' First Claim for Violation of the Fourth Amendment – Excessive Force (42 U.S.C. Section 1983) Against Deputy North Fails Because Plaintiffs Have Pled Insufficient Facts to

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Suggest Deputy North Violated Decedent's Fourth Amendment Right to be Free from Use of Excessive Force;

2. Plaintiffs' Second Claim for Violation of the Fourth Amendment – Denial of Medical Care (42 U.S.C. Section 1983) Against Deputy North Fails Because Plaintiffs Have Pled Insufficient Facts to Suggest Deputy North Violated Decedent's Fourth Amendment Right to Medical Care;

3. Plaintiffs' Third Claim for Violation of the Fourteenth Amendment – Substantive Due Process (42 U.S.C. Section 1983) Against Deputy North Fails Because Plaintiffs Have Pled Insufficient Facts to Suggest Deputy North Violated Plaintiffs' or Decedent's Fourteenth Amendment Right to a Familial Relationship;

4. Plaintiffs' Fourth Claim for Violation of the American with Disabilities Act (42 U.S.C. Section 12132) Against the County Defendants Fails Because Plaintiffs Have Pled Insufficient Facts to Suggest Decedent was Disabled Within the Meaning of the ADA;

5. Plaintiffs' Fourth Claim for Violation of the American with Disabilities Act (42 U.S.C. Section 12132) Against the County Defendants Fails Because Plaintiffs Have Pled Insufficient Facts to Suggest Deputy North or Any Other Alleged Responding Fresno Sheriff's Office Deputies ("Responding Deputies") Knew Decedent Was Disabled as Plaintiffs Allege;

6. Plaintiffs' Fourth Claim for Violation of the American with Disabilities Act (42 U.S.C. Section 12132) Against the County Defendants Fails Because Plaintiffs Have Pled Insufficient Facts to Suggest Deputy North or Any Other Alleged Responding Deputies Discriminated Against Decedent Because of His Alleged Disability;

7. Plaintiffs' Fifth Claim for Battery Against the County Defendants Fails Because Plaintiffs' Have Not Pled Facts Suggesting the Use of Force Was Unreasonable Under the Totality of Circumstances;

8. Plaintiffs' Sixth Claim for Negligence Against the County Defendants Fails Because Plaintiffs Have Not Pled Sufficient Facts to Suggest Deputy North or Any Other Alleged Responding Deputies' Acted Unreasonably;

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9. Plaintiffs' Seventh Claim for Violation of the Bane Act Fails Because Plaintiffs Have Not Pled Sufficient Facts to Suggest Deputy North or Any Other Alleged Responding Deputies Violated Decedent's Fourth Amendment Right to be Free from Use of Excessive Force;

10. Plaintiffs' Seventh Claim for Violation of the Bane Act Fails Because Plaintiffs Have Not Pled Sufficient Facts to Suggest Deputy North or Any Other Alleged Responding Deputies Violated Decedent's Fourth Amendment Right to Medical Care;

11. Plaintiffs' Seventh Claim for Violation of the Bane Act Fails Because Plaintiffs Have Not Pled Sufficient Facts to Suggest Deputy North or Any Other Alleged Responding Deputies Violated Plaintiffs' or Decedent's Fourteenth Amendment Right to a Familial Relationship;

12. Plaintiffs' Seventh Claim for Violation of the Bane Act Fails Because Plaintiffs Have Not Pled Sufficient Facts to Suggest Deputy North or any Other Alleged Responding Deputies Specifically Intended to Violate Plaintiffs' or Decedent's Rights.

This Motion is based on this Notice, the supporting Memorandum of Points and Authorities, and the entire court file and any other pleadings, evidence, or legal arguments that may be presented at the time of the hearing to the extent one is held.

Dated: February 14, 2025

PORTER SCOTT
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By: /s/ William E. Camy
William E. Camy
Alison J. Southard
Attorneys for Defendant

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